

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

MERLE T. RUTLEDGE, JR,)	
)	
Plaintiff,)	Case No. 4:13-cv-00066
)	
v.)	<u>PRE-FILING INJUNCTION</u>
)	
CITY OF DANVILLE, VA, ET AL,)	By: Hon. Jackson L. Kiser
)	Senior United States District Judge
Defendants.)	

Plaintiff Merle T. Rutledge, Jr (“Plaintiff”), proceeding *pro se*, filed an application in this Court to proceed *in forma pauperis* (“IFP”) on November 18, 2013. On November 21, 2013, I denied Plaintiff’s IFP application and issued an Order to Show Cause why Plaintiff should not be subject to a pre-filing injunction [ECF No. 4]. Plaintiff appeared before this Court on December 5, 2013, and was provided an opportunity to be heard on the matter. Given Plaintiff’s history of frivolous litigation, I find it likely that he will “continue to abuse the judicial process and harass other parties.” *See Safir v. United States Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986).

For reasons to be stated with more detail in a forthcoming Memorandum Opinion, Plaintiff is hereby **ENJOINED** as follows:

- 1) Plaintiff, and anyone acting on his behalf, is hereby enjoined from filing any new action or proceeding in any federal court within the Commonwealth of Virginia, without first obtaining leave of that court;
- 2) Plaintiff, and anyone acting on his behalf, is hereby enjoined from filing any further papers or pleadings in any case, either pending or terminated, in the Western District of Virginia, without first obtaining leave of the court;
- 3) Leave will be forthcoming upon Plaintiff’s demonstration, through a properly filed motion, that the proposed filing: (1) can survive a challenge under Rule 12 of the Federal Rules of Civil Procedure; (2) is not repetitive or violative of a court order; and (3) is in compliance with Rule 11 of the Federal Rules of Civil Procedure;

- 4) Plaintiff, and anyone acting on his behalf, is hereby required to submit a copy of this Pre-Filing Injunction and accompanying Memorandum Opinion as a necessary component of any request for leave which he attempts to file in any federal court; and
- 5) Plaintiff is hereby enjoined from providing legal advice or counsel to any other person or entity, and is advised that the unauthorized practice of law is a Class 1 Misdemeanor in the Commonwealth of Virginia.

Plaintiff is hereby advised that I will summarily deny any motion or action that does not strictly comply with this Pre-Filing Injunction and which fails to show good cause why Plaintiff should be permitted to file a new civil action.

The Clerk is instructed not to accept for filing any papers from Plaintiff or anyone acting on his behalf that are not accompanied by a signed order from a judge in compliance with the directions that I have provided.

The Clerk is directed to send a copy of this Order to Plaintiff.

ENTERED this 9th day of December, 2013.

s/Jackson L. Kiser
SENIOR UNITED STATES DISTRICT JUDGE